




MEMORANDUM

TO: Mayor and Council Members

FROM: Elaine Hart, Chief Financial Officer 

DATE: January 15, 2020

SUBJECT: Response to City Council Resolution 20180920-055

The purpose of this memo is to provide an update regarding the response to City Council [Resolution 20180920-055](#) (CIUR 2083), relating to the reduction or waiver of fees for full-time active duty military personnel whose residences are unoccupied for extended periods of time during their deployment.

Representatives from the Austin Resource Recovery, Austin Water, Watershed Protection, Public Works and Austin Code Departments worked together with the Law Department to understand what fees are in place, whether they could be waived or reduced, and if so, what action needed to occur to establish the waiver or reduction. The information below outlines the various City fees and the application of this Council direction to those fees.

Transportation User Fee

The Transportation User Fee (TUF) is a fee assessed to utility customers based on the number of trips generated by each dwelling unit or business, based on property type. The fee goes towards operations and maintenance of the City's transportation system. The fee is included on customers' utility bills, as part of the unified billing system.

City Code § 14-10-10 outlines how an individual may get their TUF reduced, and the Public Works Department, who administers the fee, has established basic exemptions for people who are 65 years old or older, or, people who do not own or regularly use a private motor vehicle. Additionally, an Austin utility customer is automatically exempt from paying the TUF if the user's electricity consumption is 150 kWh or less in a given month. *Therefore, no action is needed to establish a reduction or waiver for the TUF given that deployed military personnel whose residences are unoccupied would likely not experience high energy consumption during this period.* The family of a deployed person should follow the steps outlined in the City Code to contest their fee if they feel the TUF is being inappropriately assessed based on their use of the street network while their family member is deployed.

Clean Community Fee and other Austin Resource Recovery Fees

The Clean Community Fee benefits all residents and businesses in the ARR service area and is assessed at each residence and business property where utility service is active. Services supported by this fee include: street sweeping, dead animal collection, citywide litter control, landfill closure and post-closure requirements, citywide bulk collection, special event collection, Zero Waste program development,

Brownfields remediation, recycling drop-off at the Recycling & Reuse Drop-Off Center (RRDOC), and administration of the Universal Recycling Ordinance. In addition to the Clean Community Fee, Austin Resource Recovery assesses cart fees and a base service fee to fund trash and recycling collection, curbside compost/yard trimming collection, brush collection, bulk collection, and brush processing.

Austin Resource Recovery will waive the base fee as well as the cart fee associated with a vacated residence due to active deployment, once valid documentation has been provided indicating date range of deployment.

Drainage Fee

The Drainage Fee cannot be waived because such a waiver is prohibited under Chapter 552 of the Texas Government Code. The City does not have discretionary authority to exempt active duty military personnel from the Drainage Fee.

Austin Water Fees

Prior to the passage of the Council Resolution, Austin Water was able to change its fees via an administrative rule change.

Next Steps

As described above, several of the fees administered by the City of Austin cannot be waived or reduced or already have mechanisms in place to allow for a waiver or reduction for deployed active duty military members. For fees and waivers that may be modified, including Austin Resource Recovery and Clean Community Fees, Council action is required.

Cc: Spencer Cronk, City Manager
Nuria Rivera-Vandermyde, Deputy City Manager
CMO Executive Team